

REMARKS

Claims 1-7 are pending in the present application. Claims 4 and 5 were previously withdrawn from consideration. Claims 1-3, 6 and 7 have been amended and claims 9-15 have been added to further clarify the invention. No new matter has been added by these amendments or new claims.

I. Status Of The Claims

As set forth in the pending Office Action, the allowability of claims 1-7 has been withdrawn and claims 1-3, 6 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,190,751 to Sylvester (“Sylvester”) in view of U.S. Patent No. 2,383,570 to Sellew (“Sellew”).

II. Claim Rejections

The Patent Office has rejected claims 1-3, 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Sylvester in view of Sellew. Applicant traverses these rejections and respectfully submits that these claims are patentable over the cited art for the following reasons.

Sylvester is directed to an improved reinforced foam gasket which overcomes the problems associated with prior art non-reinforced foam gaskets as well as prior art reinforced foam gaskets. As disclosed in Sylvester, one of the problems associated with the prior art non-reinforced foam gaskets is that it “easily stretches or distorts during the application process” resulting in a “fit that is poor or imperfect” Col. 1, lns. 26-28. Like the prior art reinforced foam gaskets, Sylvester discloses the use of “a flexible polymeric film layer 34 [which] provides reinforcement to the gasket.” Col. 3, lns. 13-14. As stated in Sylvester, “[t]he polyester film layer prevent[s] the stretching which was a problem with the conventional [prior art non-

reinforced gaskets]” and therefore provides a good fit and seal with the mating surface. Col. 1, lns. 48-50.

As noted by the Patent Office, Sylvester does not disclose, teach or suggest the use of a lip to provide a good fit or seal with the mating surface. Instead, Sylvester discloses a compressible reinforced foam gasket having symmetrical flat upper and lower surfaces. As discussed above, the fit and seal provided by the gasket is achieved in part by the use of a polymeric film reinforcement layer 34 which prevents the gasket from stretching or distorting. This allows the symmetrical, flat, flexible foam face of the gasket to be properly compressed against and sealed with the mating surface. Accordingly, one of ordinary skill in the art would not be motivated to even contemplate adding a lip to provide a seal. There is simply no need for a lip on the symmetrical, flat, flexible foam face of the gasket disclosed in Sylvester.

Sellew is directed to an improved synthetic rubber gasket. Sellew discloses that the synthetic rubber material and other commonly used fillers in the prior art synthetic rubber gaskets tended “to increase the hardness of the product” as compared to prior art natural rubber gaskets. Col. 2, lns. 3-7. Due to this increased hardness, the prior art synthetic rubber gaskets were more resistant to hand pressure and did not provide good seals with flat surfaces having even slight imperfections. Col. 2, lns. 28-33 (“slight imperfections of large area on the flat surface of a flat gasket, or in the container gasket seat or on the plug results in non-sealing, because at such imperfection the gasket will not be properly compressed for sealing.”) To this end, Sellew discloses the use of a symmetrical, continuous rib or ridge 26, 27 which requires much less compression force to provide an effective seal as compared to the compression force required for the entire flat surface of the prior art synthetic rubber gaskets. Col. 2, lns. 34-39.

Sellew unequivocally states that the gasket seal is provided by a continuous rib or ridge formed on the flat surface of the gasket.

To effect proper sealing under the operating conditions previously specified, there is provided on the container confronting face 25 of the gasket a continuous sealing means herein in the form of a concentric ridge 26 near the outer edge of the gasket. Col. 3, lns. 48-53 (emphasis added).

Consistent with this statement, all of the embodiments disclosed in Sellew include continuous seal means in the form of concentric ridges or ribs. See Figures 2 and 4-7 (continuous concentric ridges 26, 27, 126, 226, 227 and continuous rib-rings 326, 327).

Contrary to the Patent Office's assertion, Sellew does not disclose, teach or suggest the selective use of a partial or discontinuous rib or ridge "particularly where there are imperfections in the mating surface" or "at any location where improved sealing is necessary." As noted above, the disclosure at col. 2, lns. 28-34 in Sellew simply refers to the deficiencies in the relatively hard prior art synthetic rubber gaskets without continuous ridges or ribs to provide a sufficient seal even where there are slight imperfections in the mating surface. Sellew exclusively discloses the use of a continuous ridge or rib to provide the entire seal between the gasket and the mating surface. Any discontinuity in the ridge or rib would result in a unsealed section between the gasket and the mating surface because it would leave either a gap therebetween or contact between the hard synthetic rubber material and the mating surface. The latter of these circumstances is the very problem identified in the prior art synthetic rubber gaskets. Indeed, for these reasons Sellew teaches away from the selective use of a partial or discontinuous rib or ridge.

Applicant respectfully submits that there is no motivation to combine Sylvester and Sellew as proposed by the Patent Office. As discussed above, Sylvester discloses a gasket having a flat, flexible, compressible foam surface which is designed to press against and provide

a seal with the mating surface. Sylvester does not disclose any sealing problem associated with this gasket. Accordingly, a person of ordinary skill in the art would not be motivating to explore any modification to the Sylvester gasket directed to the sealing feature. In addition, Sellew discloses that the sealing problem addressed by the use of the continuous concentric ribs or ridges disclosed therein resulted from the inability of the relatively hard synthetic rubber material to compress against and form a tight seal with the mating surface. This problem does not exist with the flexible, compressible foam face of the Sylvester gasket. Accordingly, a person of ordinary skill in the art would not have been motivated to include the continuous, concentric ridges or ribs of Sellew on the flexible, compressible foam face of the Sylvester gasket.

Applicant also submits that, even if there did exist a motivation to combine Sylvester and Sellew, the resulting combination would not yield the present invention. Sellew exclusively and unequivocally discloses the use of a continuous concentric ridge or rib to provide a seal with the mating surface. Accordingly, any combination of Sellew and Sylvester would result in a reinforced flexible foam gasket having a continuous concentric rib or ridge along the entire perimeter of the gasket surface. Contrary to the present invention as recited in the pending claims, this combination would not yield an asymmetric seal comprising a first surface of the first side of the sheet of flexible material having a lip and second surface of the first side of the sheet of flexible material having no lip.

Therefore, for at least these reasons applicant respectfully submits that the pending claims are patentable over the cited art.

CONCLUSION

Applicant respectfully submits that the present application is in condition for allowance.

AUTHORIZATION

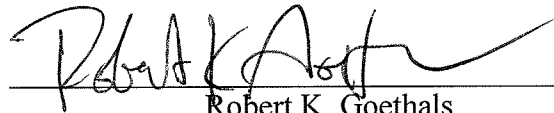
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. **1948-4821**.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. **1948-4821**.

Respectfully submitted,
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